

Exhibit 10

JOSHUA RUSSELL, PH.D.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **JOSHUA RUSSELL, PH.D.**, taken pursuant to Subpoena, in the offices of JACK W. HUNT & ASSOCIATES, INC., 1120 Liberty Building, Buffalo, New York, on June 18, 2024, commencing at 12:56 p.m., before LYNNE E. DIMARCO, Notary Public.

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13:44:10 1 Dr. Gill?

13:44:11 2 **A.** Yes.

13:44:12 3 **Q.** Okay. And did you and Dr. Suchak ask
13:44:17 4 for that meeting together?

13:44:19 5 **A.** What I recall is that I -- Dr. Suchak
13:44:25 6 and I wanted to have a meeting and I asked
13:44:27 7 Beth Gill in person if we could get on her
13:44:31 8 schedule.

13:44:31 9 **Q.** Okay. And so did you provide Dr. Gill
13:44:38 10 with anything in writing prior to the meeting to
13:44:41 11 give her notice of what you wanted to discuss, or
13:44:45 12 did you just attend the meeting and discuss the
13:44:48 13 issues then?

13:44:48 14 **A.** So we just attended the meeting.

13:44:51 15 **Q.** Okay. What are the student issues that
13:44:57 16 you and Dr. Suchak discussed with Dr. Gill in 2017?

13:45:01 17 **A.** It would have been related to primarily
13:45:04 18 the students's trip to Antarctica.

13:45:09 19 **Q.** Okay. What happened in Antarctica?

13:45:14 20 **A.** So when the students returned, two
13:45:17 21 of -- I think there were four students on the trip,
13:45:20 22 two of those students had been doing a project with
13:45:23 23 me and mentioned to me that during the trip he was

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13:45:29 1 missing for periods of time and that he would ask
13:45:35 2 them to get too close to animals after various
13:45:39 3 guides told them don't get close to animals.

13:45:43 4 And he would say, no, just go ahead and move
13:45:45 5 over closer to the penguin or whatever, those types
13:45:49 6 of things.

13:45:50 7 And just that they didn't see him or
13:45:53 8 interact with him much on the trip. And that they
13:45:56 9 didn't feel like it was a very educational
13:46:00 10 experience.

13:46:00 11 **Q.** Okay. Did the two students who came to
13:46:04 12 you after the Antarctica trip, did they complain
13:46:07 13 about any inappropriate conduct by Dr. Noonan that
13:46:11 14 was sexual in nature?

13:46:13 15 **A.** No.

13:46:14 16 **Q.** Okay. What were the misuse of funds
13:46:24 17 issues that you and Dr. Suchak discussed with
13:46:28 18 Dr. Gill in 2017?

13:46:29 19 **A.** So from my time starting as a faculty
13:46:34 20 member it was clear to me that Mike was able to
13:46:39 21 move money around between different accounts to
13:46:42 22 spend it on things, some things that I thought were
13:46:47 23 not necessary for our department.

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13:46:51 1 And he had requested some of my startup
13:46:57 2 funds, for example, when I was first starting as a
13:47:00 3 faculty member. If I didn't need to spend them
13:47:04 4 that he would find ways to spend them.

13:47:06 5 And because I didn't -- he was the chair, I
13:47:10 6 didn't have anyone telling me like, no, don't do
13:47:13 7 that, save it and spend it for yourself, it was too
13:47:19 8 late.

13:47:20 9 And I had sort of given him I don't remember
13:47:22 10 how much money, but I didn't spend all my startup
13:47:27 11 funds myself. And so we were concerned about what
13:47:31 12 he was purchasing with departmental funds or HR
13:47:34 13 funds.

13:47:36 14 **Q.** What's ISHAR?

13:47:38 15 **A.** ISHAR was the Institute for the Study
13:47:40 16 of Human Animal Relationships.

13:47:49 17 **Q.** Dr. Noonan, is it true that he founded
13:47:55 18 the ABEC department?

13:47:56 19 **A.** Yes.

13:47:56 20 **Q.** Do you know when that happened?

13:47:59 21 **A.** 2010, 2010. I wasn't there, so I think
13:48:11 22 it was around 2010.

13:48:12 23 **Q.** Okay. Did you attend Canisius because

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14:48:46 1 research team, I'm sure there are lots of informal
14:48:50 2 conversations about those types of things.

14:48:51 3 Q. Thank you for mentioning the advising,
14:48:56 4 because I wanted to ask you a few questions about
14:48:59 5 that.

14:48:59 6 Within the ABEC department how are advisees,
14:49:04 7 how is that work distributed among the faculty?

14:49:08 8 A. So for a faculty I guess that have been
14:49:12 9 there for more than a year or two, we all split the
14:49:16 10 students up evenly for advisement.

14:49:20 11 If a student say is doing research with a
14:49:23 12 particular faculty member, we may move that student
14:49:28 13 to that faculty member's advisee, you know.

14:49:33 14 So if I have a student who's doing research
14:49:35 15 with me but she was randomly assigned to
14:49:39 16 Dr. Suchak, I may say, well, I'll advise her
14:49:40 17 because I see her every week, you know. So that's
14:49:44 18 kind of how we do it.

14:49:46 19 Q. Okay. After Dr. Noonan was removed
14:49:50 20 from campus, did your number of advisees increase?

14:49:54 21 A. Yes.

14:49:54 22 Q. Okay. How many students did you take
14:49:58 23 on?

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14:49:58 1 **A.** I don't recall the number. We all sort
14:50:02 2 of split up the students that were Mike's. We
14:50:07 3 usually have like a form that -- like an Excel
14:50:13 4 spreadsheet or something that keeps track of who
14:50:16 5 the advisees are.

14:50:17 6 **Q.** Okay. And did -- Dr. Margulis was the
14:50:22 7 chair at the time, right, in 2019?

14:50:24 8 **A.** Yes.

14:50:25 9 **Q.** Was it her job to make sure that
14:50:28 10 everyone had a new advisor after Dr. Noonan was
14:50:33 11 removed or was it done as a collective?

14:50:36 12 **A.** Yeah, I mean, it would have been her
14:50:39 13 job, but we do most things sort of collectively.
14:50:42 14 So, you know, the chair has that responsibility for
14:50:45 15 assigning advisees but we probably discussed it at
14:50:50 16 a faculty meeting or something.

14:50:53 17 **Q.** Okay. So the five plaintiffs in this
14:50:57 18 litigation are Sierra Boucher, Hannah Whelan,
14:51:04 19 Natassia Tuhovak, Lily Engebrecht, and Cassidy
14:51:06 20 Wood.

14:51:06 21 **A.** Okay.

14:51:06 22 **Q.** Were any of those woman advisees of
14:51:11 23 yours?

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14:58:22 1 been shot for the class, why was ownership of that
14:58:26 2 a question mark?

14:58:27 3 **A.** I'm not sure. I mean, we didn't know,
14:58:30 4 you know, Mike often talked about his work with CAC
14:58:35 5 or with ISHAR as part of his research. We didn't
14:58:38 6 know if that was his research property. We didn't
14:58:42 7 know if that was something that belonged to
14:58:45 8 Canisius, we didn't know.

14:58:47 9 I mean, and truth be told we also -- I
14:58:50 10 didn't know anything about editing video data, so
14:58:54 11 there was no sense on our part at least for Sue and
14:59:00 12 I that that was something that we could undertake
14:59:04 13 probably.

14:59:05 14 But, yeah, I don't know why specifically. I
14:59:08 15 mean, we just didn't know whether that was his
14:59:11 16 property or not.

14:59:12 17 **Q.** I guess I'm wondering when you take
14:59:15 18 your class to Costa Rica --

14:59:17 19 **A.** Yeah.

14:59:18 20 **Q.** -- and you do work for that class,
14:59:22 21 that's part of your work as a faculty member for
14:59:25 22 Canisius, correct?

14:59:26 23 **A.** Correct.

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14:59:26 1 **Q.** You're teaching a class that students
14:59:29 2 are paying money for, right?

14:59:30 3 **A.** Yes.

14:59:31 4 **Q.** And so the work that they do for that
14:59:35 5 class is work for credit, correct?

14:59:38 6 **A.** Yes.

14:59:38 7 **Q.** And the research that you do within the
14:59:44 8 confines of that class with the students, is that
14:59:48 9 your own personal work product or what is it?

14:59:53 10 **A.** I guess it would depend on -- so, for
14:59:57 11 example, we have a course at Canisius called ABEC
15:00:02 12 301, and it's a course where a student can earn one
15:00:06 13 credit to be part of my research team. They can do
15:00:09 14 that up to three times and then that counts as a
15:00:12 15 course, right.

15:00:14 16 So that student who is doing research with
15:00:18 17 me, anything they produce is still my research. So
15:00:22 18 with the CAC courses some of them were for credit,
15:00:26 19 some of them were not.

15:00:28 20 Project Tiger was one of the courses that
15:00:32 21 was for credit. I don't recall how many credits,
15:00:34 22 but Mike had sort of set it up so that this kind of
15:00:39 23 blurred this line between was this research, was

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15:08:10 1 episodes, and that was the sort of bulk of their
15:08:15 2 grade.

15:08:16 3 **Q.** Okay. How many podcast episodes were
15:08:19 4 there ultimately?

15:08:20 5 **A.** I think there were four or five.

15:08:22 6 **Q.** Okay.

15:08:22 7 **A.** Yeah.

15:08:22 8 **Q.** And where would one find these
15:08:26 9 podcasts, were they on the Canisius web site or was
15:08:29 10 there a Project Tiger web site?

15:08:32 11 **A.** So I think anywhere you can find
15:08:37 12 podcasts there is a Canisius
15:08:39 13 conservation -- Canisius conservation
15:08:46 14 conversations, that's a mouthful.

15:08:48 15 And so if you go to like LimeWire or I'm not
15:08:52 16 sure if it's on Spotify, but there's, you know,
15:08:55 17 different streaming services where you can access
15:08:58 18 podcasts.

15:08:58 19 And then I think we also advertised it
15:09:01 20 through the Canisius ABEC social media pages that
15:09:05 21 we have. I don't recall if it was put on the web
15:09:08 22 site, it might have been put on the web site, but I
15:09:08 23 don't remember that.

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15:16:18 1 did I read that correctly?

15:16:19 2 **A.** Correct.

15:16:19 3 **Q.** Did Ms. Engebrecht ever follow up on
15:16:22 4 your offer of assistance?

15:16:24 5 **A.** I believe we had a meeting and I gave
15:16:28 6 her some recommendations for citations and things
15:16:31 7 to read. I offered to be her supervisor or second
15:16:37 8 reader, I don't -- I wasn't her supervisor and I
15:16:40 9 don't recall being her second reader.

15:16:42 10 So I don't know who she did that with, but,
15:16:45 11 yeah, we had a meeting.

15:16:46 12 **Q.** Okay. Did Ms. Engebrecht ever discuss
15:16:51 13 with you any future plans she had, anything that
15:16:57 14 she thought she might do with the thesis
15:17:02 15 afterwards?

15:17:02 16 **A.** I don't recall.

15:17:03 17 **Q.** Okay. Does everyone have to write a
15:17:05 18 thesis at Canisius?

15:17:06 19 **A.** No.

15:17:07 20 **Q.** Do you elect to write a thesis if you
15:17:10 21 want to?

15:17:10 22 **A.** If you're an honors student. So for
15:17:13 23 undergraduate students if you're an honors student,

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15:18:15 1 Ms. Engebrecht's thesis with her, did you ever
15:18:17 2 engage with any other -- with her on any other
15:18:21 3 topics in her senior year that you can recall?

15:18:25 4 **A.** I believe she was in my conservation
15:18:28 5 education course, but other than that, I don't
15:18:31 6 recall.

15:18:31 7 **Q.** Okay. Did Ms. Engebrecht ever come to
15:18:37 8 you for any recommendation letters or graduate
15:18:41 9 school or any advice about moving forward with her
15:18:44 10 studies?

15:18:45 11 **A.** No.

15:18:45 12 **Q.** Okay. Ms. Wood joined your research
15:18:52 13 team her senior year?

15:18:54 14 **A.** Yes.

15:18:54 15 **Q.** Okay. And what was the focus of the
15:18:58 16 research?

15:18:59 17 **A.** So we were going to do a conservation
15:19:03 18 education program with a local public school,
15:19:07 19 Public School 17. I had a relationship with them
15:19:10 20 because I had done some service learning with
15:19:13 21 Public School 17.

15:19:14 22 And so Stacy and I were going to sort of
15:19:18 23 like do some work with -- I can't remember if it

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15:28:02 1 e-mails between you and Ms. Wood. And it looks
15:28:05 2 like the subject of the e-mails is work for the
15:28:09 3 children animal's nature research team?

15:28:12 4 **A.** Correct.

15:28:13 5 **Q.** And that was -- that's one of your
15:28:15 6 research teams, correct?

15:28:16 7 **A.** Yes.

15:28:17 8 **Q.** Okay. I'm wondering Ms. Wood's
15:28:25 9 signature block has president of project
15:28:28 10 conservation, is that part of the research teamwork
15:28:31 11 or was that something else?

15:28:32 12 **A.** That's a student organization.

15:28:34 13 **Q.** Got it. And the work that's reflected
15:28:43 14 in these e-mails between you and Ms. Wood, this was
15:28:47 15 for the one credit research class that she took
15:28:51 16 with you, correct?

15:28:51 17 **A.** Correct.

15:28:52 18 **Q.** Okay. You mentioned that Hannah Whelan
15:29:07 19 was also an advisee after Dr. Noonan's departure?

15:29:11 20 **A.** Yes.

15:29:12 21 **Q.** Did Ms. Whelan ever come to you for any
15:29:16 22 advice about graduate school or life after
15:29:19 23 Canisius?

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15:29:20 1 **A.** Not that I remember.

15:29:21 2 **Q.** Okay. Do you recall how many times you
15:29:25 3 met with Ms. Whelan when she was your advisee?

15:29:29 4 **A.** I would have met with her twice a year,
15:29:33 5 but I don't recall if, you know, sometimes students
15:29:35 6 don't come in for advising, so I don't remember if
15:29:40 7 there were times that she didn't come in.

15:29:43 8 **MS. NANAU:** Okay. I'd like to take a
15:30:16 9 five-minute break and so that I can go through my
15:30:18 10 notes and see if I have anything else for you,
15:30:21 11 Dr. Russell.

15:30:24 12 (A recess was then taken at 3:30 p.m.)

15:36:08 13 **BY MS. NANAU:**

15:36:38 14 **Q.** Dr. Russell, do you know why
15:36:41 15 Ms. Walleshauser called you in for an interview in
15:36:47 16 February of 2019?

15:36:48 17 **A.** I don't know specifically why.

15:36:50 18 **Q.** Did she tell you why she had invited
15:36:55 19 you specifically?

15:36:58 20 **A.** I think just because I was involved in
15:37:00 21 the department when Mike was told that he
15:37:06 22 was -- when all -- when all of that happened and
15:37:09 23 Mike was told that he wasn't coming back.

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15:53:18 1 **Q.** Were you and Dr. Suchak co-students at
15:53:24 2 the same time, did you know each other as students?

15:53:26 3 **A.** No.

15:53:26 4 **Q.** So you mentioned that the annual or now
15:53:30 5 every three years report to the college or
15:53:34 6 university by faculty also includes student
15:53:39 7 evaluations?

15:53:40 8 **A.** It can.

15:53:41 9 **Q.** Or it can?

15:53:42 10 **A.** It's not required in the faculty
15:53:45 11 handbook, we can't require faculty to include
15:53:48 12 student evaluations as part of their review.

15:53:52 13 **Q.** But some people do?

15:53:53 14 **A.** Yeah, most of the people do.

15:53:55 15 **Q.** Okay. So are student evaluations of a
15:53:59 16 class required?

15:54:03 17 **A.** So they're not required, a faculty
15:54:08 18 member can opt out of them, most people do use the
15:54:16 19 student evaluations. You can also decide to amend
15:54:20 20 it or to change it to ask questions that might be
15:54:24 21 more relevant for you or for your department.

15:54:27 22 So you can opt out of doing it. We get an
15:54:31 23 e-mail every semester that says course evaluations

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5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing deposition, which was taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the deposition was then
10 reduced to writing in my presence and under my
11 direction. That the deposition was taken to be
12 used in the foregoing entitled action. That the
13 said deponent, before examination, was duly sworn
14 to testify to the truth, the whole truth and
15 nothing but the truth, relative to said action.

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Lynne E. DiMarco
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